



IDAHO SPECIAL EDUCATION ADVISORY PANEL
Idaho State Department of Education, Bureau of Special Education
P.O. Box 83720, Boise, Idaho 83720-0027
Phone: (208) 332-6925 TDD: (800) 377-3529

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Representative/Senator
Address
Boise, Idaho 83702

Dear Representative Simpson:

On behalf of the Idaho State Department of Education, we, the Special Education Advisory Panel, are requesting a change be made to [law citation], more commonly known as the *No Child Left Behind Act of 2001 (NCLB)*. In the interest of equity between the NCLB subgroups, we request the law be amended to allow school districts the option of counting students formerly included in the students with disabilities subgroup for an additional two years once their placement ends, similar to the provision for limited English proficient (LEP) students.

NCLB was passed to ensure that all schools show adequate yearly progress (AYP) in students achieving academic proficiency. Every child must be counted, including students with LEP and students with disabilities. Under provisions announced by then U.S. Education Secretary Rod Paige, changes were made to NCLB that would allow states up to two years to include in the LEP subgroup those students who have attained English proficiency. By definition, the LEP subgroup only counts those students behind in their English language skills, not the students who achieve proficiency and leave the subgroup. The purpose behind this option was to allow states and districts to include those students who have improved their English proficiency, thereby addressing a "catch-22" complaint from states that this group could not show improvement in AYP as the successful students were not considered or counted as LEP, and an influx of new LEP students entered the schools each year.

A similar dilemma applies to states and districts in regard to students with disabilities. By definition, only students with sufficiently disabling conditions so as to require special education services may be counted in this subgroup. Students whose disability improves or who are able to learn sufficient skills so as to no longer need special education services leave

the special education program. As a result, the special education subgroup continues to have lower scores on average because the higher functioning students will have left the subgroup.

Allowing school districts to specifically continue to count the proficiency level of these children will eliminate the temptation for school districts to keep these students in special education longer than is necessary in order to raise the scores of that subgroup. Furthermore, this change would allow states to get “credit” for students whose skills are improved to the point special education services are no longer needed. It allows more flexibility to states and schools to meet AYP, and gives them credit for the good work they have done in improving students with disabilities’ academic performance. The change to NCLB provides for fairness among the various subgroups with continually revolving populations.

For these reasons, we respectfully request that NCLB be amended to allow states and districts the option of counting for an additional two years those students formerly counted in the students with disabilities subgroup for AYP purposes.

Sincerely,

Greg Bailey, NCLB Subcommittee Co-Chair
Idaho Special Education Advisory Panel

Linda Sundstrom, NCLB Subcommittee Co-Chair
Idaho Special Education Advisory Panel